

REMARKS

Claims 1-162 remain in the application. The Examiner believes that two distinct and independent inventions are claimed, and therefore has required restriction between two inventions, identified respectively as Group I, claims 1-156, and Group II, claims 157-162 of the present application. The Examiner has also requested that Applicant elect one of four species. The Examiner has requested applicant to elect an invention for prosecution on the merits.

Accordingly, Applicant elects the Group I claims to prosecute in the present application, without traverse. Applicant also elects without traverse Species # 1 characterized by the embodiment designed to use at least three separate probing methods to detect the presence of malignant tissue within the region of interest. Claims 1-21 and 80-101 are believed to be readable on this elected species.

Accordingly, an early and favorable action on Claims 1-21 and 80-101 is therefore earnestly solicited. The Examiner is encouraged to call the undersigned attorney to resolve any unresolved issues in the present application.

In connection with the foregoing matter, please charge any additional fees which may due, or credit any overpayment, to Deposit Account Number 50-1133.

Respectfully submitted,
McDERMOTT WILL & EMERY LLP

Date 10/16/07


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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being faxed to Commissioner for Patents, Alexandria, VA 22313-1450 at fax number 571.273.8300 on the date indicated below.

Date: October 1, 2007


Cynthia Joseph